

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----
NORMA HERRERA *on behalf of herself and others
similarly situated,*

Plaintiff,

X

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11 Civ. 0676 (JMF)

-v-

29TH STREET MARKETPLACE *doing business as*
Chelsea Marketplace and SHIRLEY DOMINGO,

Defendants.

X

ORDER

JESSE M. FURMAN, District Judge:

The Court has been advised that the parties in this action, brought pursuant to the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*, have reached a settlement. Under the FLSA, an employer who violates the requirement that overtime wages be paid must pay both the unpaid overtime compensation and an additional equal amount as liquidated damages. *See id.* § 216(b). In the event a settlement is for less than this amount, the settlement must be scrutinized by the Court to ensure that it is fair. *See, e.g., Elliott v. Allstate Investigations, Inc.*, No. 07 Civ. 6078 (DLC), 2008 WL 728648, at *1-2 (S.D.N.Y. Mar. 19, 2008). Moreover, because this lawsuit was filed as a putative class action, the Court must determine whether the named plaintiff has used the class action claim to prejudice absent class members. *See id.* at *2.

Accordingly, it is hereby ORDERED that the parties submit letters by **May 15, 2012** explaining the basis for the proposed settlement and why it should be approved.

SO ORDERED.

Dated: New York, New York
April 30, 2012


 JESSE M. FURMAN
 United States District Judge